

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JAMES WHIPPLE,

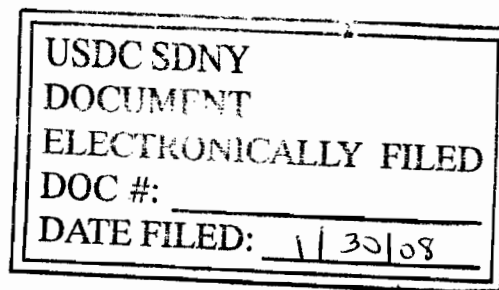
Plaintiff

-versus -

C.E. UNTERBERG TOWBIN INC., a  
Delaware corporation, and,

COLLINS STEWART INC., a  
Delaware corporation,

Defendants.  
-----X



**SCHEDULING ORDER**

07 - 10709

07 Civ. ~~07109~~ (SAS)

Conference Date: 1/29/08

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ.

P. 16(b) on January 15, 2008 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed  
scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by  
the Order:

(1) the date of the conference and the appearances for the parties;

Conference: January 29, 2008.

For Plaintiff: Stephen H. Kahn, Kahn Opton, LLP

For Defendants: Christopher J. Collins, John E. Kiley, Kelley Drye & Warren LLP

(2) a concise statement of the issues as they then appear:

An action to remedy unlawful disability and unlawful age discrimination in employment  
in violation of New York Human Right Law, N.Y. Exec. Law § 296, and New York City  
Administrative Code § 8-107 et seq. Jurisdiction based on diversity.

(3) a schedule including:

a. the names of persons to be deposed and a schedule of planned depositions:

All fact witness depositions to be completed by ~~October 1, 2008~~ *June 30*

For Plaintiff: Andrew Arno, Jeffrey C. Moskowitz, Gregory Malik, Thomas

Unterberg, and others to be identified.

For Defendant: James Whipple, others identified during discovery.

b. A schedule for the production of documents:

Document requests to be served by ~~April 1, 2008~~ *MAR 3*. Responses due ~~45~~ *30* days

*automatic  
dis by 2/15* thereafter.

c. Dates by which (i) each expert's reports will be supplied to the adverse side: ~~December 1, 2008~~ *TTS: July 25 A: Aug 15*

(ii) each expert's deposition will be completed: ~~February 1, 2009~~ *Sept 15, 2008*

d. Time when discovery is to be completed: ~~February 1, 2009~~ *Sept 15, 2008*

e. The date by which plaintiff will supply its pre-trial order matters to defendant: ~~April 15, 2009~~ *10/3*

f. The date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial: ~~May 15, 2009~~ *Oct 17, 2009*

g. A space for the date for a final pre-trial conference pursuant to Fed. T.

Civ. P. 16(d), to be filled in by the Court at the conference.

\_\_\_\_\_ July 14 at 4<sup>30</sup> (leave  
blank)

(4) a statement of any limitations to be placed on discovery, including any protective or confidentially orders: Defendants will propose to Plaintiff a Stipulation of Confidentiality covering confidential financial, business and personnel documents and information that may be produced by Defendants during discovery.

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement: None at this time.

(6) anticipated fields of expert testimony, if any: For Plaintiff – Medical testimony concerning his disability. Psychological and compensation experts concerning damages. For Defendants – rebuttal expert testimony.

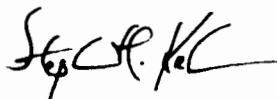
(7) anticipated length of trial and whether to court or jury: One week to jury.

(8) a statement that Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

(9) names, addresses, phone numbers and signatures of counsel;

KAHN OPTON, LLP  
Attorney for Plaintiff  
228 East 45<sup>th</sup> Street  
New York, New York 10017  
(212) 966-8686

Please Use: Kahn Opton, LLP  
One Parker Plaza  
Fort Lee, NJ 07024  
(201) 947-9200

BY:   
Stephen H. Kahn (SHK 7780)

- INTENTIONALLY LEFT BLANK -

KELLEY DRYE & WARREN LLP  
Attorneys for Defendant  
101 Park Avenue  
New York, NY 10178  
(212) 808-7800

BY: 

John E. Kiley (JK 1711)

Christopher J. Collins (CC 3407)

SO ORDERED:



1/29/08